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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 THE BOARD OF TRUSTEES OF THE
12 CARPENTERS PENSION TRUST FUND
FOR NORTHERN CALIFORNIA,

13 Plaintiffs,
14

15 v.

16 GORDON WILEY PERRY; GORDON
WILEY PERRY, Individually and doing
17 business as DRYWALL MASTERS; GORDON
WILEY PERRY, Individually and doing
18 business as G W PERRY CONSTRUCTION;
19 DRYWALL MASTERS, a Sole Proprietorship;
G W PERRY CONSTRUCTION, a Sole
20 Proprietorship,

21 Defendants.
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No. C 10-03186 SBA

**PLAINTIFFS' *EX PARTE*
APPLICATION TO CONTINUE
CONDITIONAL DISMISSAL; ORDER**

1 Plaintiffs, by and through the undersigned counsel, respectfully request that the Court
2 continuer the Order of Conditional Dismissal for sixty (60) days. Plaintiffs' counsel has prepared
3 and provided Defendant, who is pro per, with drafts of the necessary settlement documents, but as
4 of this date, Defendant has not signed and returned the executed settlement documents.

5 Plaintiffs further request that said dismissal provide: (a) that if either party certifies with
6 the Court within sixty (60) days that resolution has not in fact occurred, this matter may be
7 restored to the Court's calendar and set for trial; and (b) that the parties will have until July 2,
8 2012 to reopen the case if a resolution has not in fact occurred.

9 If the Court denies the Plaintiffs' request to extend the conditional dismissal for a period
10 of sixty (60) days, Plaintiffs, by and through their counsel of record, hereby request that the Court
11 reopen the above-referenced case. Plaintiffs request that the case be reopened as they have not
12 received the necessary settlement documentation pursuant to the tentative settlement reached by
13 the parties in the above-referenced case, and as a result the case has not been resolved.

14 Dated: May 3, 2012

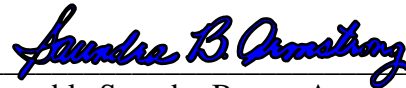
WEINBERG, ROGER & ROSENFELD
A Professional Corporation

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17 By: /s/ Ezekiel D. Carder
EZEKIEL D. CARDER
Attorneys for Plaintiffs
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ORDER

Pursuant to the *Ex Parte* Application of Plaintiffs to Continue the Order of Conditional Dismissal, and for good cause showing, the Order Dismissing Action filed on April 3, 2012, is hereby continued for sixty (60) days. IT IS HEREBY ORDRED THAT this action and all claims asserted herein are DISMISSED with prejudice. In the event that settlement is not reached, any party may move to reopen the case and the trial will be rescheduled, provided that such motion is filed within sixty (60) days of this Order. All scheduled dates, including the trial and pretrial dates, are VACATED.

Dated: _5/10/12



Honorable Saundra Brown Armstrong
United States District Court Judge

124837/667204

**PROOF OF SERVICE
(CCP §1013)**

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On May 3, 2012, I served the following documents in the manner described below:

**PLAINTIFFS' EX PARTE APPLICATION TO CONTINUE CONDITIONAL
DISMISSAL; [PROPOSED] ORDER**

- ☒ (BY U.S. MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Parcel Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Alameda, California.
- ☐ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
- ☐ (BY FACSIMILE) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- ☐ (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by United Parcel Service for overnight delivery.
- ☐ (BY ELECTRONIC SERVICE) By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from mpiro@unioncounsel.net to the email addresses set forth below.
- ☐ (BY PERSONAL DELIVERY) I caused such envelope to be delivered by hand to the offices of each addressee below.

On the following part(ies) in this action:

Drywall Masters
17241 Quail Court
Morgan Hill, CA 95037

Gordon Wiley Perry
17241 Quail Court
Morgan Hill, CA 95037

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2 I declare under penalty of perjury under the laws of the United States of America that the
3 foregoing is true and correct. Executed on May 10, 2012, at Alameda, California.

4 /s/ Mary Piro
5 Mary Piro
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